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COURT HOLDS UP OSWALD RECORD

Dispute Delays Distribution of Interview Taped in '63

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State Supreme Court Justice Samuel M. Gold has issued an order temporarily restraining Audio Fidelity Records, Inc., from reproducing a tape recording of an interview with Lee Harvey Oswald, the assassin of President Kennedy.

The recording was made Aug. 17, 1963, by William Kirk Stuckey, then a New Orleans newspaperman. It was intended for use on a radio program conducted by Mr. Stuckey but was not used.

Audio Fidelity had planned to begin distributing a record album based on the tape next Tuesday. Justice Gold acted at the request of the Information Council of the Americas, a nonprofit educational organization in New Orleans, that claims ownership of the tape and plans to issue a recording of its own.

In the interview, Oswald described himself as a member of the pro-Castro Fair Play for Cuba Committee, and criticized both the United States and Russia, where he had lived for two and a half years.

Mr. Stuckey testified about the interview at some length in an appearance two years ago before the Warren Commission, which was investigating the assassination, and a transcript was included in the commission's report.

Oswald killed President Kennedy Nov. 22, 1963, in Dallas and was himself slain there two days later by Jack Ruby.

Justice Gold signed the restraining order Friday evening at his home at 975 Park Avenue, on the application of Kenneth J. Kwit, an attorney representing the Information Council.

Justice Gold directed Audio Fidelity, 221 West 57th Street, and Herman D. Gimbel, its president, of 8 East 83rd Street, to show cause before Justice Samuel H. Hofstadter in Supreme Court in Manhattan on Tuesday why they should not be enjoined from issuing any reproduction of the tape pending a hearing on objections by the council.

Mr. Kwit declared in his affidavit that the tape recording was the property of Mr. Stuckey until Oct. 21, 1964, when he sold it to the Information Council.